

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4617 OF 2005
IN
CRIMINAL APPEAL NO. 671 OF 2005

Samdudding @ Siddiqui
Mohd. Shaikh ..Applicant

Vs.

State of Maharashtra ..Respondents

...
Mr. Abhaykumar Apte, Advocate for Applicant
Mr. V.B.Konde-Deshmukh, A.P.P. for the State
...

CORAM: SMT.V.K.TAHILRAMANI, J.
DATE : JULY 22, 2005

P.C.

1. Heard the learned advocate for the applicant and the learned A.P.P. for the State.

2. The applicant is seeking bail. The applicant has been convicted under Sections 392 and 397 of IPC and sentenced to R.I. for seven years.

3. The applicant has been identified by the complainant P.W.1 Indrajeet Yadav. The learned advocate for the applicant has submitted that the

identification parade of the applicant by the complainant cannot be relied upon as there are lapses in holding the test identification parade.

4. The learned A.P.P. has submitted that the witness had sufficient opportunity to observe the accused persons and in such case, holding of T.I.parade was not strictly necessary. He has placed reliance on the decisions of the Supreme Court in the case of **Visveswaran Vs. State** reported in **2003 Cri.L.J. 2548** and **Dana Yadav Vs. State of Bihar (2002) 7 SCC 295**. Besides this, the learned A.P.P. has pointed out that the applicant has been involved in one another case of similar nature i.e. C.R.No. 265 of 2001 of Khar Police Station. The said case is under Sections 365 and 397 of IPC. The learned A.P.P. has submitted that if the applicant is released on bail, the applicant will indulge in similar activities.

5. Looking to the above facts, I am not inclined to grant bail to the applicant though the applicant was on bail during the trial.

6. Application is rejected.

[V.K.TAHILRAMANI, J.]